

Establishment of the Institute and waqf aspects of its development in Central Asia (until the second half of the 19th century)

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ABSTRACT

The article describes the essence of waqf institution and some aspects of its development in Central Asia. The importance of the endowment institution not only as a philanthropist, but also as a social institution that embodies many functions in society is highlighted.

Keywords. Central Asia, Bukharan Emirate, Khanate of Khiva, Khanate of Kokand, waqf, institute of waqf, social institute, wāqif, waqf-namah.

1. Introduction

In the Islamic world, the word "waqf" (*wakf*), which is closely linked to the social and economic life of a society and has a meaning for charity, means 'retention' in the dictionary [30: 325]. In essence, a waqf is an irrevocable contract, establishing that a wakif (*wāqif*) makes income-generating property inviolable for an indefinite period of time and distributes the profits among individuals or [mosques, madrasahs, mausoleums, khanakahs, hospitals] in favour of socio-cultural institutions [17: XIII].

The issue of foundations is one of the themes in the focus of world historiography, and extensive research has been carried out on this basis through various approaches [14; 22; 23; 29]. There are also a number of studies on some aspects of the ownership history of foundations in Central Asia, such as the theoretical foundations, their importance in public life, the administration of foundations, the role of foundations in agricultural relations [21; 27; 41; 11; 13; 25; 33; 34; 39].

The article analyses the nature of the foundation's institution and some of its development in Central Asia. It emphasises the importance of the foundation not only as a philanthropist, but also as a social institution that performs many functions in society.

2. Main part

The concept of benevolence is one of the spiritual duties that has arisen in the process of socialisation of the individual, and as society develops, it has taken on certain forms and institutional features as a result of various factors. The Waqf is also an institution that embodies this concept and was formed at a time when Muslim legislation was being shaped. According to V. P. Shlikov, the origin of the Waqf is motivated by historical analogues that were close to it in nature [31:27]. Nevertheless, the Waqf Institute has developed in a unique way, based on Shariat law.

While the Koran speaks of alms giving, the legal basis of the foundation is directly related to the hadith [37:59]. Imam al-Bukhari, a great connoisseur of the Muhaddites, also noted that the formation of the foundation was directly linked to the Prophet Muhammad and the hadith [26: 3-4]. In particular, the hadith used the term "Sadakai joria", which means "continuous donation", which means foundation.

From the earliest times in Islamic history, most of the property and territories acquired by Muslim conquerors were turned into Waqfs and their income was used for the benefit of Muslims, future generations and for military purposes [16: 128].

In Waqf practice, official documentation of Waqf property took place during the Caliph Umar (r.a.) after the Prophet Muhammad [30: 328 30329]. The first founding document has its own special structure, which contains important information such as the names of geographical places, the appointment of a guardian of the foundation's property, i.e. the appointment of an observer, and the conditions set by the foundation's founder. Later on, this situation took on a traditional character, developed and over the years formed the basis for specific procedures. At the same time, the donation document began to perform a number of functions, in particular, protecting the inviolability of property, determining the legitimacy of the fund's assets.

In general, the fund was originally created to support the Muslim community, to meet the social and financial needs of those in need and to expand to other regions, especially Central Asia, through the spread of Islam. As a result, it has become a self-governing system.

As noted above, the concept of charity, which has deep historical roots, is also an important value for the peoples of Central Asia. In particular, the sacred book of Zoroastrianism, one of the region's oldest and most important religions, Avesta, contains lines calling for charity [9:11, 106]. From this point of view, although there is no specific basis in our region, it can be said that the existence of values corresponding to it has influenced the adoption and specific development of this institution.

If we look directly at the history of the institution's establishment in Central Asia, then rulers, statesmen,

major property owners and scientists have turned their property into the basis for future creation and improvement of the country, education and health care, and for future generations. For example, according to Muhammad Narsahi, who lived and worked in the 10th century, Ismail Somoni bought many lands, gardens and villages in Bukhara and turned them into the basis for good deeds for the benefit of his descendants [7:97]. It is noteworthy that Ismail Somoni built a special palace for officials near his palace and organised a special office for the administration, the administration and also for foundations [7: 105-106]. Thus, the management of the funds is directly entrusted to the state, and we can say that the fund was formed as an institution with a certain mechanism. According to available data, part of the waqf holdings established by the Samanid ruler have also functioned for centuries [12]. It is worth noting that the document known as the Ismail Somoni Foundation was the basis for certain individuals at the beginning of the twentieth century who considered themselves "descendants of this ruler" to receive their shares as a legal instrument [12].

Abu Ishak Ibrahim ibn Nasr Tamgach Bugrahan (1052–1068), one of the Karakhanid dynasty rulers, turned most of his real estate into Waqfs in favour of a madrassah and a hospital (*dār al-marqā*), which he founded in Kamarkand [19: 8].

It should be noted that the establishment of the foundation also played an important role as a tool used by the rulers to strengthen their political position. It is known that the Mongolian invasion and the ensuing devastation had a serious impact on all aspects of society, leading to a decline in culture and education, as well as in the economy. However, the example of the foundation of the Sheikh Sayfiddin Boharzi Foundation, one of the great representatives of the Kubravian sect in Bukhara, shows that this institution still existed in a certain sense during these periods [11: 330]. It should also be noted that the foundation served as a basis for Mongolian rulers to support influential clergy in order to strengthen their political positions.

It can be seen that the work started by the founder of the dynasty during the Timurid period was continued by his successors. During this period, large estates were established for mosques, madrasas, hospitals and khanakahs, including large areas of arable land, mills and trading rows[8:31]. In particular, during his time in office, Amir Temur regulated the work of the foundation and took measures not to violate the foundation's property [36:59]. Amir Temur has also identified the foundations for the tombs of many sheikhs, and it is noteworthy that in recent times the graves of famous scientists and members of the sect have been attributed to Amir Temur when he created the vakuf property. The reason for this was, on the one hand, to support a certain sect and, on the other, to underline the importance of these institutions.

During the Timurid period, in particular, land ownership relations developed significantly and the number of large landowners sharply increased. They turned most of their land into foundations. In particular, the share of land allocated for religious institutions was very high, and religious scholars played an important role in their management [18: 9]. Therefore, the importance of foundations as a protection institution for ensuring the security of the land as well as for promoting the development of society.

It should be noted that foundations also play an important role in maintaining the integrity of property. In particular, the idea that Alisher Navoi (1441–1501) turned his property into a fund in order to protect it from possible collapse under Sharia law was noted by Professor M. Subtelni [32: 152–153].

There are also cases where changing dynasties in the region undermines the integrity of many properties. An example of this is the idea that lands acquired by Timurid officials and most of the trade and craft establishments were 'confiscated' by members of the next dynasty, the Shaibani [25:36]. However, the memorandum, which belongs to Mehr Sultan, daughter-in-law of Muhammad Shaibanihan, says that a large plot of land was "bought" and then turned into a fund.

Over the centuries, the institute of foundations has become an integral part of society. By the 19th century, all three khanates in the region had penetrated deeply into various aspects of social and economic life and became one of the most important forms of ownership. Revenues from the fund's property were allocated to social and religious institutions such as madrasas, mosques, sanatoriums, hospitals and special hostels, and the importance of the fund as a multifunctional institution serving the public interest increased. For example, Umarkhan (1810-1822), one of the rulers of the Kokand Khanate, built a special hostel for the blind called "*Rahmati Shahi*" in Kokand and identified caravanserais as the foundation. About 80 blind people lived in this hostel and were granted benefits from the fund's income [24:55].

Not only in Kokand, but also in the Bukhara and Khiva Khanates, the rulers also paid more attention to foundations. If the ruler feels an abuse committed by a trustee, he replaces him as the main sponsor of the foundation or appoints a special person to oversee the proper management of the foundation. Also in the Emirate of Bukhara a part of the fund's assets was left without a trustee, lost value and was transferred directly to the state. Or these estates were recreated as Waqfs by the Emir himself, who was appointed as trustee, and were called "*Waqfi Kazihana*" [40:28].

In addition to supporting foundations, the rulers also established religious and social institutions that turned land, shops, kiosks and caravanserais into real estate. Many foundations are known to have been restored during the reigns of Mangit rulers Amir Shah Murad (1785–1800), Amir Heydar (1800–1826) and Amir Abdullah Khan (1885–1910).

Although the funds were usually controlled by the state, there was no strict centralised control over them. Almost all Waqf institutions managed their farms independently and the income from the Waqf's property was distributed according to the terms of the Waqf. For example, no certain amount was contributed to the share of the

person managing the fund's assets, i.e. the trustee. In most cases, they receive a tithe or 1/5 of their profits according to the instructions of the waqfs [1], but in some cases the Bukhara waqfs declare that the trustee is only paid if the income exceeds the repair of the fund's premises [2; 3; 4].

In the second half of the 19th century, the share of waqf property increased significantly, as did the types of property transferred to the waqfs. It should be noted that the allocation of large parcels of land decreased, but instead the allocation of small plots of land, retail establishments and handicraft equipment increased. These cases are related to a number of internal and external factors, primarily due to changes in the social structure of the fund's founders, in particular an increase not only in the upper but also in the middle class, which is able to make donations. In this connection, the classification of funds in the Ottoman Empire from a social point of view into small funds established by members of the ruling class representing the interests of inhabitants of large and defined territorial units [28: 149; 15:75] can also be said to belong to the region under study. The growing trend of building mosques and madrasas in all khanates, especially in the Emirate of Bukhara, has also been one of the main reasons for the increase in waqf property. It should also be borne in mind that the political situation in the region and the loss of a large part of the Emirate's territory was one of the factors that prompted people to deliberately and unwittingly commit the Waqf in order to preserve their property.

3. Conclusion

As a result of political changes in the practice of establishing waqf farms on the territory of the Governor-General of Turkestan, which were formed during this period, several stages of transformation have been observed [6; 33].

In the Bukhara and Khiva Khanates, although the general features of the founding institute were retained, the territorial location of each of them had its own peculiarities due to its internal economic and social situation. For example, from the middle of the 19th century, there was the practice of the Waqf, but in the Emirate of Bukhara this situation was not as widespread as in the Khiva Khanate [38: 123-136]. It is noteworthy that in the Emirate this practice manifested itself in the form of buying real estate, such as land, shops, with donated money. According to scientific studies, money donated to the Khiva Khanate was often used to generate income through *bai-i-jayiz* (*bay-i-jayiz-i shar'i*), as well as for rent or negotiations [38: 123: 133; 20]. The unpopularity of the monetary fund in the Emirate of Bukhara can be explained by the fact that the value of the Bukhara coin was constantly changing at the time, and as a result, there was a major economic crisis [10].

In general, in Central Asia, foundations as a social institution not only serve the public interest, but also play a very important role in establishing and maintaining religious, educational and home institutions. The Waqfs, on the one hand, were an important means for people to be merciful and close to God and, on the other hand, they were important for strengthening the position of their founders, preserving its noble name in history and ensuring the safety of their property.

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APPENDIX

1. UzR MDA / (*Uzbekiston Respublikasi Markazij Davlat Arkhivi*) – CSARU / Central State Archive of The Republic of Uzbekistan
2. f. – fund
3. op. – inventory
4. d. – file
5. s. – page